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UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

| | | |
|---------------------------|---|-----------------------------------|
| United States of America, |) | CR-19-00352-001-PHX-DLR |
| |) | |
| Plaintiff, |) | STIPULATED MOTION TO |
| |) | CONTINUE SENTENCING FOR |
| v. |) | DEFENDANT JOSEPH MENAGED |
| |) | (Third Request) |
| Joseph Menaged, et al, |) | |
| |) | VIO: 18 U.S.C. § 371 |
| Defendants. |) | (Conspiracy to Commit Bank Fraud) |
| |) | Count 1 |

The parties, through their respective counsel, request a continuance of the Sentencing in this matter, currently set for October 5, 2020 at 3:00 PM for a period of 1 (one) year,¹ with the understanding that notice may be given that sentencing may be able to be accelerated as explained further below.

The plea agreement entered into by Mr. Menaged requires that in advance of sentencing, he pay \$350,000 to the DenSco Receiver and that he be current on his properties in New York and Florida. In order to meet these obligations, one or more of those properties will need to be sold. They are both listed for sale, but because of the coronavirus pandemic, selling the properties is more challenging and the listings have

¹ AUSA Monica Edelstein has authorized undersigned counsel to represent to the Court that the United States stipulates to this motion to continue sentencing.

1 essentially gone dormant. That said, Mr. Menaged continues to market the properties and
2 upon successful closing of a property will ask the Court to accelerate the sentencing.
3 Finally, the plea agreement contemplates that a delay in sentencing will likely be required
4 in order for Mr. Menaged to meet his obligations. The parties certainly recognize that
5 asking the Court to delay sentencing for a year is uncommon, it makes sense under these
6 unique circumstances.

7 For the foregoing reasons, the parties respectfully request the Court continue the
8 Sentencing Hearing, currently set for October 5, 2020 at 3:00 PM, for 1 (one) year.

9 It is not expected that excludable delay under Title 18 U.S.C. § 3161(h)(7)(B)(i)
10 and (iv) may occur as a result of this motion or from an order based thereon.

11 RESPECTFULLY SUBMITTED on August 20, 2020.

12
13 MITCHELL | STEIN | CAREY | CHAPMAN, PC

14 By: /s/ Lee Stein

15 Lee Stein

16 Attorneys for Joseph Menaged

17
18 **CERTIFICATE OF SERVICE**

19 I hereby certify that on August 20, 2020, I electronically transmitted the attached
20 document to the Clerk's Office using the ECF System for filing and copy of the
21 transmittal to the following ECF registrant:

22 Mark Wenker
23 Monica Edelstein
24 U.S. Attorney's Office - Phoenix, AZ
25 2 Renaissance Square
26 40 N. Central Ave., Ste. 1800
27 Phoenix, AZ 85004-4408
28 Attorneys for Plaintiff

/s/ B. Wolcott